

Exhibit I

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August 21, 2023

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

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VICTORIA PRESTON,

Plaintiff,

-against- Index No. 22-CV-6525

THE CITY OF ROCHESTER, MITCHELL LEACH,

Defendants.

-----X

August 21, 2023

9:00 A.M.

LEXITAS LEGAL VIEW

EXAMINATION BEFORE TRIAL of MITCHELL LEACH,
a Defendant in the above-entitled action,
held at the above time and place pursuant to
Notice, taken before Peter Toth, a reporter and
Notary Public within and for the State of New
York.

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(2) A P P E A R A N C E S

(3) ROTH & ROTH, LLP

Attorneys for Plaintiff

(4) 192 Lexington Avenue, Suite 802

New York, New York 10016

(5) BY: ELLIOT DOLBY SHIELDS, ESQ.

(6)

CITY OF ROCHESTER LAW DEPARTMENT

(7) Attorneys for Defendants

THE CITY OF ROCHESTER AND MITCHELL LEACH

(8) City Hall Room 400A

30 Church Street

(9) ROCHESTER, NEW YORK 14614

BY: PEACHIE JONES, ESQ.

(10)

(11)

ALSO PRESENT: Videographer Gil Perez

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(2) M I T C H E L L L E A C H, the witness
(3) herein, having been duly sworn by a
(4) Notary Public of the State of New York,
(5) was examined and testified as follows.

(6) EXAMINATION BY

(7) MR. SHIELDS :

(8) Q State your name for the record,
(9) please.

(10) A Officer Mitchell Leach.

(11) Q State your address for the record,
(12) please.

(13) A 185 Exchange Boulevard, Rochester,
(14) New York 14607.

(15) VIDEOGRAPHER: Good morning. The
(16) time now is approximately 0909. Today's
(17) date is August 21, 2023. This is Media 1
(18) in the video deposition of Mitchell Leach
(19) in the matter of Preston, Victoria versus
(20) the City of Rochester, Mitchell Leach,
(21) Index number 22-cv-6525.

(22) My name is Gil Perez, I'm the legal
(23) videographer with Sherek Video in
(24) association with Lexitas New York
(25) Tri-state.

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(2) to collect, you know, the bullets and the
(3) casings and then the dog was collected by
(4) animal control, but I don't know the
(5) specifics. I'm sure there's a report when
(6) they went over the animal about how many times
(7) the dog was struck, but I do not know that,
(8) sir.

(9) Q Okay. And when did you try to kick
(10) the dog?

(11) A Prior to discharging my firearm.

(12) Q And had you un-holstered your
(13) firearm before you tried to kick the dog?

(14) A Yes.

(15) Q Okay. And it says that the dog bit
(16) your right ankle and boot prior to you
(17) discharging your firearm, correct?

(18) A Yes, sir.

(19) Q All right. Are you sure that, that
(20) was the order of events that the dog bit you
(21) before you discharged your firearm?

(22) MS. JONES: Objection.

(23) A Yes, sir.

(24) Q Now, in the report it seems like
(25) it's saying that you drew your firearm after

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(2) the dog bit you; is that how you read that
(3) part?

(4) **A No, I drew my department issued**
(5) **firearm when I saw the dog, you know,**
(6) **attacking the -- or not attacking, but running**
(7) **at the CPS workers and then I had my firearm**
(8) **pointed at the dog as it was like charging**
(9) **towards me.**

(10) Q Okay. So this part, this last
(11) sentence here beginning with fearing for his
(12) immediate safety Officer Leach drew his
(13) department issued weapon and fired six rounds
(14) in a downward trajectory towards the animal.
(15) Is that -- would that be inaccurate basically
(16) in terms of the timeline of events?

(17) **A I pulled out my department issued**
(18) **firearm before I kicked the dog. And then**
(19) **when the dog bit me when I tried to kick the**
(20) **dog I discharged my firearm.**

(21) Q Okay. And at the time when you
(22) drew your firearm you also had pepper spray on
(23) you, correct?

(24) **A I did.**

(25) Q And you had your baton on you,